

**ORIGINAL**

**OFFICIAL FILE**

State of Illinois

Illinois Commerce Commission

Nicole Energy Marketing of Illinois, Inc.

Applicant for Certification of  
Service Authority under Section  
16-115 of the Public Utilities Act.

Docket No: 00-0622

**APPLICATION**

Nicole Energy Marketing of Illinois, Inc. ("Applicant") hereby requests that the Illinois Commerce Commission ("Commission") grant it a certificate of service authority pursuant to Section 16-115 of the Public Utilities Act ("Act").

Applicant states as follows:

1. **IDENTITY OF THE APPLICANT:** The name, address, telephone number, and FAX number of the Applicant are:

Nicole Energy Marketing of Illinois, Inc.  
18 W 100 22<sup>nd</sup> Street,  
Suite 114  
Oakbrook Terrace, IL 60181  
Telephone (630) 792-9928  
Fax (630) 792-9935

2. **RELATED INFORMATION:**

Nicole Energy Marketing of Illinois, Inc. is a privately-held Illinois corporation with its home office in Oakbrook Terrace Illinois. Nicole Energy Marketing of Illinois, Inc. is subject to the laws of the States of Illinois, and the regulation of the Federal Energy Regulatory Commission. The Federal Employer Identification Number is as follows: 36-4287346. The registered agent in the State of Illinois is Altheimer & Gray, 10 South Wacker Drive, Chicago, Illinois 60606-7482.

3. **CONTACT PERSON(S):**

- A. The names, titles, addresses, telephone numbers, and FAX numbers of the persons to whom questions about this Application should be addressed are:

Donyetta D. Bailey, Legal Department  
Nicole Energy Marketing of Illinois, Inc.  
18 W 100 22<sup>nd</sup> Street,

Alternative Retail Electric Supplier (ARES) Application  
Suite 114  
Oakbrook Terrace, IL 60181  
Telephone (630) 792-9928  
Fax (630) 792-9935  
E-mail: Elicon@megsinet.net

- B. In addition, questions related to retail customers, including complaint resolution should be directed to the main office in Oakbrook Terrace, IL. Please see the above information for addresses, telephone and fax numbers.
- C. Questions of a technical nature such as scheduling, transmission and distribution can also be addressed to the main office in Oakbrook Terrace attention Ron Barnett.

#### **4. BUSINESS ENTITY AND DEPARTMENT OF STATE FILINGS:**

Nicole Energy Marketing of Illinois, Inc., is an Illinois corporation. Attached are the appropriate Department of State papers documenting certification of authority to transact business in Illinois. (See Attachment A1 & A2).

The name and address of officers;

Freddie L. Fulson  
President, Secretary & Treasurer  
Ed Payne, Vice President  
18 W 100 22<sup>nd</sup> Street,  
Suite 114  
Oakbrook Terrace, IL 60181  
Telephone – 630-792-9928  
Fax - 630-792-9935

#### **5. APPLICANT'S INSTALLATION EMPLOYEES:**

Currently, Nicole Energy Marketing of Illinois, Inc., the Applicant, does not own generation, transmission or distribution facilities, but will purchase its power supply to service its customers. Therefore, the Applicant does not employ personnel who install, operate, maintain, equipment or machinery. In the event that Nicole Energy Marketing of Illinois, Inc. should obtain generation facilities, the Applicant will fully comply with all of the requirements set forth by the Commission, regarding the requisite knowledge, skills and competence needed to perform said tasks in a safe and reliable manner.

#### **6. DESCRIPTION OF CURRENT BUSINESS:**

Nicole Energy Marketing of Illinois, Inc. was established to provide natural gas to the retail public in those areas where deregulation has permitted open access of such services. NEMI is now seeking approval to provide electric supply and service to retail customers, primarily on the commercial, industrial, municipal and governmental levels, as well.

**PROPOSED SERVICES IN ILLINOIS:** Nicole Energy Marketing of Illinois, Inc., in general, proposes to offer:

- A. Electric power for sale, lease or exchange for other value received to retail customers,
- B. Delivery of electric power or energy to retail customers.
- C. Reselling and customer load aggregation.

**7. SERVICE AREA:**

Nicole Energy Marketing of Illinois, Inc. plans to provide service throughout the State of Illinois.

**8. DESCRIPTION OF CUSTOMERS:**

The Applicant proposes to initially provide services to Commercial, Industrial and Governmental Customers of minimum annual load of 1 MW or more.

**9. NOTICE:** Pursuant to Section 451.30 - Required Filings and Procedures the Applicant shall:

Proof of notification to each utility of Applicant's intent to serve in the utility's service area is provided in Attachment A3.

**10. Nicole Energy Marketing of Illinois, Inc. recognizes, fully supports and commits to comply with the following stipulations.**

- A. Nicole Energy Marketing of Illinois, Inc. will certify that it will comply with all applicable Federal, State, regional and industry rules, practices, policies, procedures and tariffs for the use, operation, maintenance, safety, integrity, and reliability of the interconnected electric transmission system including the Open Access Same-time Information System (OASIS) mandated by 18 CFR 37 and the rules and operating guidelines and procedures of the regional or national electric reliability council(s) or organization(s) and their successors for any portion of the state in which the applicant is certified to provide retail electric service);
- B. Nicole Energy Marketing of Illinois, Inc. will only provide electric service to those retail customers that are eligible to take delivery of said services, and only after said customer has sanctioned the change of electric service by finalizing a power agreement with the ARES.
- C. Nicole Energy Marketing of Illinois, Inc. will comply with the informational and reporting requirements set forth by the commission in Act.
- D. Nicole Energy Marketing of Illinois, Inc. will comply with the informational and reporting requirements established by the commission regarding the provision of information outlined in Act 451.20 (d) The Applicant will comply with such informational or reporting requirements as the Commission may establish by providing the information required by Section 16-112. Any data related to contracts for the purchase and sale of electric power and energy shall be made available for review by the Staff of the Commission on a confidential and proprietary basis, and only to the extent, and for the purposes which, the Commission determines are reasonably necessary in order to carry out the purposes of this Act.

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- E. Nicole Energy Marketing of Illinois, Inc. will comply with all other applicable laws, and regulations as well as Commission rules and orders as set forth in the Act 451.20 (g).
  - F. Nicole Energy Marketing of Illinois, Inc. will comply with all terms and conditions as required in Sections 115A (a), (b), and (f) 16-119, 16-123, 16-125(b) and (c ), 16-127, and 16-128 (a) of the Act to the extent that those Sections have application to the services being offered by the ARES.
11. The Applicant will comply with such informational or reporting requirements as the Commission may by rule establish and provide the information required by Section 16-112. Any data related to contracts for the purchase and sale of electric power and energy shall be made available for review by the Staff of the Commission on a confidential and proprietary basis and only to the extent and for the purposes which the Commission determines are reasonably necessary in order to carry out the purposes of this Act.
- Nicole Energy Marketing of Illinois, Inc. recognizes it is under a continuing obligation to amend its application if substantial changes occur in the information upon which the Commission relied in approving the original filing.
12. Nicole Energy Marketing of Illinois, Inc. agrees to adopt and follow rules and procedures ensuring authorizations received from customers, by keeping confidential all customer billing history and records. In addition, these records will be kept on file for a period of at least two (2) years after the calendar year they are created. These records will be made available only to approved personnel of the ARES, as well as staff members of the Commission, should a necessity arise in accordance with the Commission's duties under the Act.
13. Nicole Energy Marketing of Illinois, Inc. agrees to adopt and follow rules and procedures regarding the preservation of confidentiality of customer data, billing, and usage histories. These records will be kept confidential, with access granted only to approved ARES personnel, as well selected members of the Commission Staff in accordance with the pursuit of obligations of the Commission as set forth in the Act.
14. Nicole Energy Marketing of Illinois, Inc. seeks to obtain authority from the Commission under this application to be certified as an ARES, thus Nicole Energy Marketing of Illinois, Inc. does not currently possess such authority from the Commission under any other certification.

**RECIPROCITY**

15. Nicole Energy Marketing of Illinois, Inc. has one affiliated company providing electric service in the North American Continent. The name and address of the company is as follows: Nicole Energy Services, Inc. 513 E. Rich Street, Suite 306, Columbus, Ohio 43215.
16. Nicole Energy Marketing of Illinois, Inc., does not currently own its own generation facilities. At present, Nicole Energy Marketing of Illinois, Inc., plans to purchase power from alternative sources for resale to retail customers. Should purchase of a generation facility be made in the future, reciprocity, in compliance with Section 16-115(d)(5) would be necessary. On the anniversary date of certification, the Applicant will present a report to the Commission within 30 days regarding purchase or non-purchase of a generation facility as outlined in Section 16-115(d)(5).

## FINANCIAL QUALIFICATIONS

17. Nicole Energy Marketing of Illinois, Inc. has executed and currently maintains a bond issued by a surety company authorized to transact business in the State of Illinois in favor of the People of the State of Illinois in the amount of \$30,000.00. The bond shall be conditioned on the full and faithful performance of all duties and obligations of the applicant as an ARES. The original bond is attached as Attachment A(4).

As a energy provider whose electric generation comes from wholesale purchases rather than a company-owned generation facility, Nicole Energy Marketing of Illinois, Inc. will provide information regarding possession of a line of credit in an amount equal to 5% of the gross revenues over the last 12 months. See Attachment A(5).

## TECHNICAL QUALIFICATIONS

18. To ensure that the present quality and availability of service provided by electric utilities does not deteriorate, Nicole Energy Marketing of Illinois, Inc., the Applicant, provides this information to demonstrate technical fitness commensurate with the service proposed to be provided.

- Nicole Energy Marketing of Illinois, Inc. has a proven record of accomplishment, providing superior fuel management, gas supply and consulting services to a variety of customers including such high profile clients such as the City of Chicago, the Bloom School District and the Brookwood School District.
- Contracts have been established with major wholesale power suppliers from across the United States having agreements with and a thorough working knowledge of many regional and control areas along with membership in ECAR, MAAC and other regional reliability councils. We plan to adhere to the reliability protocols of the North American Electric Reliability Council (NERC), the appropriate regional reliability council(s), and the Commission, and agree to comply with the operational requirements of the control area(s) within which NEMI provides retail service. Nicole Energy Marketing of Illinois, Inc. does not own or control generation and/or transmission facilities; however, we are exploring several opportunities in this area that might bring such facilities under Nicole Energy Marketing of Illinois, Inc. control and/or ownership. We plan to be a premier energy supply and management company built on a foundation of integrity and trust.
- Nicole Energy Marketing of Illinois, Inc. has assembled a staff of professionals whose expertise will insure the reliability of power flowing to its customers in Illinois. Through employees, consultants and relationships formed with outside organizations, Nicole Energy Marketing of Illinois, Inc. will provide knowledge and service in the areas of power scheduling and shaping, reserve implementation, and interruption plan implementation. Nicole Energy Marketing of Illinois, Inc. will maintain a 24-hour response telephone line in order to deal with customer emergencies. Power scheduling and NERC tagging services, are handled by Nicole Energy Marketing of Illinois, Inc. personnel.
- See Attachment A6: Resumes Of Key Personnel

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19. Nicole Energy Marketing of Illinois, Inc. certifies that it meets the managerial qualifications and has attached a resume of key personnel (Attachment A6 above) to serve as the organizational chart requested.
20. Nicole Energy Marketing of Illinois, Inc., the Applicant, does not own generation facilities, neither as an individual company nor in partnership with other entities, and therefore does not utilize agents to meet the requirements of Sections 451.120 & 451.130. Nicole Energy Marketing of Illinois, Inc. has formulated plans to acquire power via purchases made from wholesale generation suppliers, in a similar fashion as the operations in the Pennsylvania area.
21. Nicole Energy Marketing of Illinois, Inc. will opt to pursue a dual billing strategy, in which, the Electric Distribution Company (EDC) will provide the ARES with the monthly meter information. Invoices will be sent to the customer separately with the ARES offering the customer the same, or similar due date as the invoice generated by the EDC. The customer will remit payments to each entity separately. The EDC will reserve the sole right to disconnect electric service for non-payment of their portion of the customer's bill. The ARES will reserve the right to drop any customer should the customer's account balance fall 90 days past due. In the case of a customer whose ARES has chosen to drop the service, the customer's electric service would be provided again by the EDC. The ARES will pursue collection of past- due account balances via collection or legal means.

Attorney Information:

Shirley Mays, Esq.  
General Counsel  
513 East Rich Street, Suite 306  
Columbus, Ohio 43215  
(614) 221-5004

Alzheimer & Gray  
Attn: Anita Ponder  
10 South Wacker Drive  
Chicago, IL 60606-7482  
(312) 715-4000  
(312) 715-4800

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Wherefore, Applicant requests that the Commission grant its application for service authority to serve retail customers with maximum electrical demands of one (1) megawatt or more, as described in paragraph 7 above.

Respectfully Submitted,

Nicole Energy Marketing of Illinois, Inc.

By: Freddie L. Fulson  
Freddie L. Fulson

Title: President

Verification  
State of Illinois  
County of Cook

SS:

I, Freddie L. Fulson, being first duly sworn, depose and say that I am President of Nicole Energy Marketing of Illinois, Inc.; that I have read the above and foregoing petition by me subscribed and know the contents thereof; that said contents are true in substance and in fact, excepts as to those matters stated upon information and belief, and as to those, I believe same to be true.

Freddie L. Fulson  
Signature

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Fred Fulson, President

Subscribed and sworn to before me this 30 day of September, 2000.

Shirley L. Mays  
Notary Public



SHIRLEY L. MAYS  
Notary Public, State of Ohio  
My Commission Has No Expiration Date  
R.C. 147.03



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Notary Public, State of Ohio  
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